

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NIASPAN ANTITRUST LITIGATION	MDL No. 2460
This Document Relates To:  Direct Purchaser Actions	Master File No. 2:13-md-02460

**PLAINTIFFS’ MOTION TO EXCLUDE PORTIONS OF DR. PIERRE-YVES  
CREMIEUX’S PROPOSED TESTIMONY**

Direct Purchaser Class Plaintiffs and Retailer Plaintiffs (collectively, “Plaintiffs”) respectfully move the Court, pursuant to Federal Rule of Evidence 702, to exclude Paragraphs 72 through 80, 185, 223, and 224 from the Expert Report of Dr. Pierre-Yves Cremieux, as well as any related opinions or testimony.

In support of the motion, Plaintiffs hereby incorporate and rely upon the accompanying Memorandum of Law and the Declaration of Caitlin Coslett, and exhibits thereto. A Proposed Order is also submitted herewith.

Dated: January 7, 2022

Respectfully submitted,

/s/ David F. Sorensen

David F. Sorensen  
Caitlin G. Coslett  
BERGER MONTAGUE PC  
1818 Market Street, Suite 3600  
Philadelphia, PA 19103  
Tel.: (215) 875-3000  
dsorensen@bm.net  
ccoslett@bm.net

Thomas M. Sobol  
Jessica MacAuley  
Hannah Schwarzschild  
HAGENS BERMAN SOBOL SHAPIRO  
LLP  
55 Cambridge Parkway, Suite 301  
Cambridge, MA 02142  
Tel.: (617) 482-3700  
tom@hbsslaw.com  
jessicam@hbsslaw.com  
hannahs@hbsslaw.com

Bruce E. Gerstein  
Joseph Oppen  
Dan Litvin  
GARWIN GERSTEIN & FISHER LLP  
88 Pine Street, 10th Floor  
New York, NY 10005  
Tel.: (212) 398-0055  
bgerstein@garwingerstein.com  
jopper@garwingerstein.com  
dlitvin@garwingerstein.com

***Co-Lead Counsel for Direct Purchaser Class Plaintiffs***

Barry L. Refsin  
Alexander J. Egerváry  
HANGLEY ARONCHICK SEGAL PUDLIN  
& SCHILLER  
One Logan Square, 27th Floor  
Philadelphia, PA 19103  
Tel.: (215) 568-6200  
brefsin@hangley.com  
aegervary@hangley.com

Monica L. Kiley  
Eric L. Bloom  
HANGLEY ARONCHICK SEGAL PUDLIN  
& SCHILLER  
2805 Old Post Road, Suite 100  
Harrisburg, PA 17110  
Tel.: (717) 364-1030  
mkiley@hangley.com  
ebloom@hangley.com

***Counsel for Plaintiffs CVS Pharmacy, Inc.,  
Rite Aid Corp., Rite Aid Hdqtrs. Corp., JCG  
(PJC) USA, LLC, Maxi Drug, Inc. d/b/a/  
Brooks Pharmacy and Eckerd Corporation***

Scott E. Perwin  
Lauren C. Ravkind  
Anna T. Neill  
KENNY NACHWALTER, P.A.  
1100 Four Seasons Tower  
1441 Brickell Avenue  
Miami, FL 33131  
Tel.: (305) 373-1000  
sep@kennynachwalter.com  
lravkind@kennynachwalter.com  
aneill@kennynachwalter.com

***Counsel for Plaintiffs Walgreen Co. et al.***

Bernard D. Marcus  
Moira Cain-Mannix  
Brian C. Hill  
Erin Gibson Allen  
Joshua A. Kobrin  
MARCUS & SHAPIRA LLP  
One Oxford Centre, 35th Floor  
301 Grant Street  
Pittsburgh, PA 15219  
Tel.: (412) 471-3490  
marcus@marcus-shapira.com  
cain-mannix@marcus-shapira.com  
hill@marcus-shapira.com  
allen@marcus-shapira.com  
kobrin@macrus-shapira.com

***Counsel for Plaintiff Giant Eagle, Inc.***

**CERTIFICATE OF SERVICE**

I hereby certify that on January 7, 2022, I caused a copy of the foregoing to be served on counsel of record for Defendants by email.

Respectfully submitted,

/s/ David F. Sorensen  
David F. Sorensen